

Autistic Young Man Fired from Cargill because of stereotypes about Diabetes



On February 4, 2014, Nik Stahly was excited to get up and go to his new job, his first job. Nik obtained a job with Lab Support, an employment staffing company, who placed Nik at Cargill, the global food processing company. Nik's stepfather, Brian Tygesson, took Nik to the store to purchase the required steel-toe shoes to get ready for the job. Nik has autism and wanted to ensure that no detail involving his job was overlooked.

When he arrived at Cargill, Nik was greeted by the human resource and safety supervisor, and Nik and his stepfather spoke to the supervisor and explained that Nik was diabetic and needed a place to leave his testing supplies so he could test his blood sugar levels. Nik had been receiving care for his type one (juvenile) diabetes and receives treatment by an insulin pump, glucose tablets, and requires regular testing. Because of his diligence with his care, Nik's diabetes is well managed and he has never had a severe hypoglycemic episode. The Cargill supervisor offered to allow Nik to leave his testing supplies in her office so they would not get lost or damaged.

For his first day, Nik had an uneventful day working in the warehouse in which he carried boxes of butter and measured ingredients. On his second day, Nik reported for his scheduled shift at 4:00 A.M. and emptied cans of tomatoes until 7:00 A.M. Several hours later, Nik began to work with two other workers sorting and preparing cilantro for cutting and shipping. Having completed that task, Nik began to feel as if his blood glucose levels were falling and needed to test his glucose levels during a break. During the break Nik tested his blood glucose level, which was a little low. So, during the break Nik drank a soda and ate a snack of potato chips and was fine, returning to work on time. Nik completed the remainder of the workday without incident, working until approximately 2:00 P.M. However, Nik was called into the safety supervisor's office and questioned about his diabetes and his need for testing. He was asked whether it was his fault when his glucose levels dropped. Nik informed the safety supervisor once he gets into a routine, his glucose levels should be fine, but he may need a short break to have a snack. Once he has a snack, he is ok.

That night, Nik was informed that he was fired because he was not the right fit for the job and was "shaky" as a result of his diabetes. Nik was confused and could not understand that if he was doing everything that his doctor told him to do, why was he fired? Nik's first job lasted two days. Nik was the victim of disability discrimination and should not have been fired, and Disability Independence Group is pleased to represent Nik.

People with diabetes face unfair stereotypes and discrimination at work, at school, and elsewhere in their lives. The American Diabetes Association is committed to ending this discrimination through its legal advocacy program. "No American should lose a job because of speculation or stereotypes about their

disability. Employers have a duty to judge people on their actual abilities and not preemptively exclude them by labeling them a “safety” concern. That’s not only the law, but a fundamental part of who we are as Americans.” Kathy Butler, chair of the American Diabetes Association Legal Advocacy Subcommittee, employment lawyer in Houston, TX.

Further, the medical profession and those endocrinologists who care and treat persons with diabetes confirm the well-known fact that persons with controlled diabetes should not be precluded from active employment: “Mild symptoms of hypoglycemia (low blood sugar) are commonly felt by people with insulin treated diabetes. These symptoms are an early warning signal that leads to effective self-treatment by ingesting a source of sugar, like juice or regular soda, in order to prevent further declines in blood sugar. Effective self-treatment of early symptoms in no way indicates that the person with diabetes is unable to carry out any job-related tasks for which he/she is otherwise qualified. Nor does it indicate greater risk for job-related injury.” Dan Lorber, MD, FACP, CDE Director of Endocrinology at New York Hospital Queens, Associate Director of the Lang Center for Research and Education, American Diabetes Association volunteer.

For more information about diabetes, please see the Americans with Diabetes website at www.diabetes.org